

Remarks

Claims 1-4, 7, 8 and 11 are currently pending.

Claims 1-4, 7, 8 and 11 have been rejected.

35 U.S.C. § 103(a)

The Examiner rejected claims 1-4, 7, 8 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Tzikas et al. (US 6,160,101) in view of Tzikas et al. (WO 00/06652). Applicants traverse these rejections for the following reasons.

Claim 1 is directed to a dye mixture comprising dyes of formula (1) and (2a). While it is true Tzikas et al. ('101) describe compounds embraced by formula (1) and Tzikas et al. ('652) describe compounds embraced by formula (2a), neither publication teaches or suggests a dye mixture containing dyes of formula (1) and (2a) as presently claimed.

The Examiner urges since compositions containing the dye of formula (1) and the dye of formula (2a) are individually taught, it would be prima facie obvious to combine the two compositions and form a third composition containing the mixture of dyes of formulae (1) and (2a). However, Applicants respectfully submit the dye mixture containing the dyes of formulae (1) and (2a) is nonobvious in view of the results in the attached Declaration. In particular, the results demonstrate that the claimed dye mixture does more than yield predictable results.

To demonstrate the superiority of the claimed dye mixture, Applicants submit the Declaration of Roentgen which provides comparative data for dyeings obtained from dye mixtures of the present invention and Example 124 of Tzikas et al. ('652), Example 124 being the closest dye mixture taught in the publications above. In particular, the build-up properties were determined for dyeings obtained from a dye mixture according to the

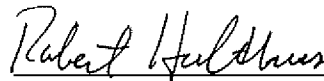
present invention (the dyes of formulae (101) and (102)) and Tzikas et al.'s ('652) Example 124 dye mixture (the dyes of formulae (102) and (206)). The results demonstrate that a significant improvement (approximately 10%) in build-up behavior is achieved at different dye mixture concentrations when the dye of formula (101), instead of the dye of formula (206), is used in combination with the dye of formula (102). The dye expert found this to be very surprising and completely unexpected and it is neither fairly taught nor suggested in either of the Tzikas et al. publications cited above. Accordingly, claim 1 and all claims depending on claim 1, are not obvious in view of the Tzikas et al. publications cited above and Applicants respectfully request the rejections under § 103(a) be withdrawn.

Conclusion

Should any fee be due in connection with the filing of this document, the Commissioner for Patents is hereby authorized to deduct said fee from Huntsman Corporation Deposit Account No. 08-3442.

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Respectfully Submitted,


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